

Notice of Allowability

Application No.

10/807,712

Examiner

Ryan A. Jarrett

Applicant(s)

BONNAIN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 12/21/05.
2. ☒ The allowed claim(s) is/are 39-73.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/05 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Perry Herndon on 1/12/06.

The amendment was necessary in order to make it clear that the computer readable medium having stored thereon executable code causes the client processor to effectuate the patentably distinguishable features of the claimed invention, such as causing the remote server to generate the fabrication control data and packaging control data based at least in part on the package design criteria received at the client.

3. The application has been amended as follows:

Claim 61 was replaced with the following claim:

61. A computer readable medium having stored thereon executable code which causes a client processor to perform a method for designing and producing a package, the method comprising:

receiving user selections of package design criteria;

communicating the package design criteria to a remote server over a communications network, the package design criteria including information for causing the remote server to generate fabrication control data and packaging control data based at least in part on the package design criteria, the fabrication control data comprising instructions for causing a fabrication device to automatically produce at least part of the package, the packaging data comprising packaging instructions for causing a packaging device to assemble at least part of the package;

receiving simulation data from the remote server based at least in part on the package design criteria; and

rendering a simulated image of the package based at least in part on the simulation data.

Claim 65 was replaced with the following claim:

65. The system of Claim 61, wherein the package design criteria further includes information for causing the remote server to generate fabrication control data which includes instructions that program the fabrication device to automatically produce at least part of the package by performing at least one of the following steps: printing at least one carton board, and cutting the at least one carton board into at least one blank.

Allowable Subject Matter

4. Claims 39-73 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest a server for generating packaging control data based at least in part on packaging design criteria received from a remote client device over a communications network, and for communicating the packaging control data to a control unit associated with a packaging device, the packaging control data comprising packaging instructions that cause a packaging device to automatically assemble at least part of the package, in combination with the remaining features and elements of the claimed invention.

The packaging control data is based on the packaging design criteria input at the client. Therefore, the packaging control data (i.e., packaging device assembly instructions) will vary depending on the package design criteria input at the client. Per

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claims 66-73, examples of packaging control data are instructions that cause the packaging device to fold a carton around an object, position an object in a package, and lock a carton around an object.

Examiner disagrees with the Applicant's argument that Bozich et al. US 6,748,285 fails to teach generating fabrication control data based at least in part on the package design criteria, and communicating the fabrication control data to a control unit associated with a fabrication device, the fabrication control data comprising fabrication instructions that cause the fabrication device to automatically produce at least part of the package. Bozich et al. discloses that final production settings are recalled when a specific order is repeated (col. 5 lines 28-45). However, Bozich et al. fails to teach the aforementioned patentable feature regarding the generation of packaging control data for automatically assembling the package.

Similarly, Gerber US 6,689,035 teaches generating fabrication control data based at least in part on the package design criteria, and communicating the fabrication control data to a control unit associated with a fabrication device, the fabrication control data comprising fabrication instructions that cause the fabrication device to automatically produce at least part of the package (e.g., col. 8 line 53 – col. 9 line 17). However, Gerber also fails to teach the aforementioned patentable feature regarding the generation of packaging control data for automatically assembling the package.

Farrah et al. US 6,882,892, and Shida et al. US 2002/0137615, have been cited as pertinent pieces of prior art in the arena of remote packaging design. However, they

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too fail to teach the aforementioned patentable feature regarding the generation of packaging control data for automatically assembling the package.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

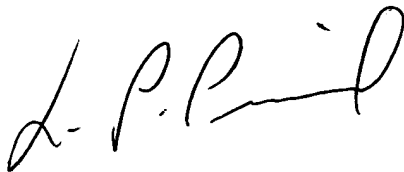
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett
Examiner
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1/12/06
RAJ

A handwritten signature in black ink, appearing to read "L. Picard", with a stylized flourish at the end.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100